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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,913	03/16/2005	Thomas Banik	2002P13626WOUS	9056

7590 01/19/2007

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
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EXAMINER	
NORTON, JENNIFER L	
ART UNIT	PAPER NUMBER
2121	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/527,913	BANIK ET AL.	
	Examiner	Art Unit	
	Jennifer L. Norton	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 March 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 3/16/05
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 21-40 are pending.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Fig. 3, element "C". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The following claims recite the limitations:

- Claims 21 and 30 recite "the automation devices" in line 7.

- Claims 23-28 recite "the transmission of data" in line 1

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 21-23, 25, 26, 29-32, 34, 35 and 38-40 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,813,532 (hereinafter Eryurek).

7. As per claim 21, Eryurek discloses a system for process interfacing within an automation scenario for distributed engineering systems, the system comprising:

a server (Fig. 33, element 912) for providing at least one application required for engineering (col. 35, lines 22-25 and col. 36, lines 37-43 and 50-54);

at least one client (col. 8, lines 56-62, col. 36, lines 28-36 and Fig. 1, element 14A and 30) for accessing automation devices (Fig. 1, element 15 and 16) that supply process data and/or project-planning data and for setting up an online communication

channel (Fig. 32, "the connections between 900-903 and 910") maintained for any length of time between the client and server (col. 35, lines 14-21 and 51-56);

first mechanisms (Fig. 32, element 900A-903A) for feeding data of the automation devices into the server via the communication channel (col. 35, lines 14-21 and 51-56 and Fig. 32, "the connections between 900-903 and 910"); and

second mechanisms (Fig. 33, element 914) for linking the applications to the automation devices (col. 35, lines 56-63 and col. 36, lines 10-13),

wherein the first mechanisms have a first interface (col. 35, lines 14-21 and 51-56) to a current communication channel (col. 35, lines 14-21 and 51-56) and a second interface to the applications (col. 35, lines 56-63 and col. 36, lines 10-13), and

wherein the first mechanisms are provided for communicating with the second mechanisms via the communication channel (col. 35, lines 14-21 and 51-56).

8. As per claim 22, Eryurek discloses the client is designed as a programming device (col. 10, line 67 and col. 11, lines 1-3) and/or as an operator panel (col. 10, lines 40-56) and/or as a diagnostic device (col. 9, lines 43-50) and/or as a browser (col. 26, lines 40-54).

9. As per claim 23, Eryurek discloses the server is designed as a terminal server for use simultaneously by one or more participants (col. 35, lines 22-25, col. 36, lines 25-36 and Fig. 32, element 900-903).

10. As per claim 25, Eryurek discloses the first mechanisms are provided for feeding data of further automation devices (Fig. 1, element 15 and 16 and Fig. 32, element 900-903) into the server via the communication channel (Fig. 32, "the connections between 900-903 and 910") via at least one further client (col. 35, lines 14-21 and 51-56, Fig. 1, element 14A and 30 and Fig. 32, element 900-903).

11. As per claim 26, Eryurek discloses the transmission of data in the communication channel is provided via an Intranet (col. 8, lines 11-21) and/or an Internet (col. 35, lines 17-21 and 51-56).

12. As per claim 29, Eryurek discloses the system is provided for use across different sites (col. 35, lines 12-17, col. 35, lines 22-25 and Fig. 32, element 900-903).

13. As per claim 30, Eryurek discloses a method for process interfacing within an automation scenario for distributed engineering systems, the method comprising:

providing an application required for engineering by a server (col. 35, lines 22-25, col. 36, lines 37-43 and 50-54 and Fig. 33, element 912);

accessing automation devices (Fig. 1, element 15 and 16) that supply process data and/or project-planning data (col. 35, lines 14-21 and 51-56) via at least one client (col. 8, lines 56-62, col. 36, lines 28-36 and Fig. 1, element 14A and 30);

setting up an online communication channel (Fig. 32, "the connections between 900-903 and 910") between the client and the server (col. 35, lines 14-21 and 51-56);

feeding the data of the automation devices into the server via the communication channel (col. 35, lines 14-21 and 51-56, Fig. 32, element "the connections between 900-903 and 910"); and

linking the applications to the automation devices (col. 6, lines 55-67, col. 7, lines 1-5 and col. 8, lines 35-39), wherein communication takes place with a second mechanism (Fig. 1, element 32) via the communication channel (Fig. 32, element "the connections between 902A-904A and 910") via a first mechanism (col. 8, lines 67, col. 9, lines 1-9 and Fig. 1, element 50) having a first interface (col. 12, lines 26-34) to a current communication channel (col. 35, lines 14-21 and 51-56) and a second interface to the applications (col. 35, lines 56-63, col. 36, lines 10-13 and Fig. 33, element 914).

14. As per claim 31, Eryurek discloses a programming device (col. 10, line 67 and col. 11, lines 1-3) and/or an operator panel (col. 10, lines 40-56) and/or a diagnostic device (col. 9, lines 43-50) and/or a browser (col. 26, lines 40-54) is used as the client.

15. As per claim 32, Eryurek discloses one or more participants can use the server simultaneously (col. 35, lines 22-25, col. 36, lines 25-36 and Fig. 32, element 900-903).

16. As per claim 34, Eryurek discloses data of further automation devices (Fig. 1, element 15 and 16 and Fig. 32, element 900-903) is fed by the first mechanism into the server via the communication channel (Fig. 32, element "the connections between 900A-904A and 910") via at least one further client (col. 35, lines 14-21 and 51-56, Fig. 1, element 30 and Fig. 32, element 900-903).

17. As per claim 35, Eryurek discloses data is transmitted in the communication channel over an intranet (col. 8, lines 11-21) and/or the Internet (col. 35, lines 17-21 and 51-56).

18. As per claim 38, Eryurek discloses the system is used across different sites (col. 35, lines 12-17, col. 35, lines 22-25 and Fig. 32, element 900-903).

19. As per claim 39, Eryurek discloses a server for providing at least one application required for engineering, the server comprising:

mechanisms for feeding in data of automation devices via a communication channel, wherein said mechanisms having a first interface (col. 35, lines 14-21 and 51-56) to a current communication channel (Fig. 32, "the connections between 900-903 and 910") and a second interface to the applications (col. 35, lines 56-63 and col. 36, lines 10-13).

20. As per claim 40, Eryurek discloses a client (col. 8, lines 56-62, col. 36, lines 28-36 and Fig. 1, element 14A and 30) for accessing automation devices (Fig. 1, element 15 and 16) that supply process data and/or project-planning data and for setting up an online communication channel (Fig. 32, "the connections between 900-903 and 910") maintained for any length of time between the client and a server (col. 35, lines 14-21 and 51-56), the client having mechanisms (Fig. 32, element 900A-903A) for linking applications provided by the server to the automation devices (col. 36, lines 37-43 and 50-59).

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

22. Claims 24, 27, 28, 33, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eryurek in view of U.S. Patent No. 6,463,459 (hereinafter Orr).

23. As per claim 24, Eryurek teaches the communication channel (Fig. 32, "the connections between 900-903 and 910") is designed as for transmitting data to one or

more participants (Fig. 32, element 900-903) in realtime via one or more separate virtual channels (col. 36, lines 24-28).

Eryurek does not expressly teach to a Remote Desktop Protocol.

Orr teaches to the communication channel is a Remote Desktop Protocol between the server (Fig. 1, element 16) and client (col. 3, lines 24-39 and Fig. 1, element 12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Eryurek to include the communication channel is a Remote Desktop Protocol between the server and client to allow a remote client to view information and execute commands generated by an application that is initiated to run on the server (col. 2, lines 23-25 and abstract).

24. As per claim 27, Eryurek teaches the transmission of data from the client is provided using a Wireless LAN (col. 37, lines 12-17).

Eryurek does not expressly teach to a Remote Desktop Protocol.

Orr teaches to the communication channel is a Remote Desktop Protocol between the server (Fig. 1, element 16) and client (col. 3, lines 24-39 and Fig. 1, element 12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Eryurek to include the communication channel is a Remote Desktop Protocol between the server and client to allow a remote client to view information and execute commands generated by an application that is initiated to run on the server (col. 2, lines 23-25 and abstract).

25. As per claim 28, Eryurek teaches the transmission of data is provided from further data sources (Fig. 32, element 900-903) present in the system using standard protocols such as HTTP (col. 36, lines 50-59).

Eryurek does not expressly teach to a Remote Desktop Protocol.

Orr teaches to the communication channel is a Remote Desktop Protocol between the server (Fig. 1, element 16) and client (col. 3, lines 24-39 and Fig. 1, element 12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Eryurek to include the communication channel is a Remote Desktop Protocol between the server and client to allow a remote client to view information and execute commands generated by an application that is initiated to run on the server (col. 2, lines 23-25 and abstract).

26. As per claim 33, Eryurek teaches transmitting data to one or more participants (Fig. 32, element 900-903) in real-time via one or more separate virtual channels is used as the communication channel (col. 36, lines 24-28 and Fig. 32, "the connections between 900-903 and 910").

Eryurek does not expressly teach to a Remote Desktop Protocol.

Orr teaches to the communication channel is a Remote Desktop Protocol between the server (Fig. 1, element 16) and client (col. 3, lines 24-39 and Fig. 1, element 12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Eryurek to include the communication channel is a Remote Desktop Protocol between the server and client to

allow a remote client to view information and execute commands generated by an application that is initiated to run on the server (col. 2, lines 23-25 and abstract).

27. As per claim 36, Eryurek teaches data is transmitted from the client using a Wireless LAN (col. 37, lines 12-17).

Eryurek does not expressly teach to a Remote Desktop Protocol.

Orr teaches to the communication channel is a Remote Desktop Protocol between the server (Fig. 1, element 16) and client (col. 3, lines 24-39 and Fig. 1, element 12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Eryurek to include the communication channel is a Remote Desktop Protocol between the server and client to allow a remote client to view information and execute commands generated by an application that is initiated to run on the server (col. 2, lines 23-25 and abstract).

28. As per claim 37, Eryurek teaches data from further data sources (Fig. 32, element 900-903) present in the system is transmitted employing standard protocols such as HTTP (col. 36, lines 50-59).

Eryurek does not expressly teach to a Remote Desktop Protocol.

Orr teaches to the communication channel is a Remote Desktop Protocol between the server (Fig. 1, element 16) and client (col. 3, lines 24-39 and Fig. 1, element 12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Eryurek to include the communication channel is a Remote Desktop Protocol between the server and client to allow a remote client to view information and execute commands generated by an application that is initiated to run on the server (col. 2, lines 23-25 and abstract).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to a remote device management system.

U.S. Patent Publication No. 2003/0051006 discloses a method and system for enabling multiple users from different physical locations to access, observe, control and manipulate physical process and devices over a computer network.

U.S. Patent No. 5,796,602 discloses a field device management system that communicates with a smart device using a device description written in a communication protocol.

U.S. Patent No. 6,799,195 discloses a system for process control comprises a server digital process and a client digital data processor that are coupled by a network.

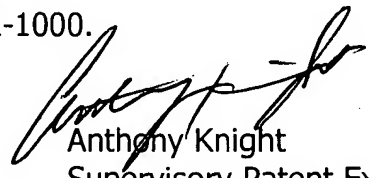
U.S. Patent No. 7,020,532 discloses a virtual machine environment and that communicate via an IP network.

U.S. Patent No. 7,024,497 discloses a method for enabling access to resources connected to client nodes of a network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer L. Norton whose telephone number is 571-272-3694. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571-272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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